



2012 Equal Employment Opportunity (EEO) Program Action Plan

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I. PLAN PURPOSE

The purpose of this plan is to implement and maintain an Equal Employment Opportunity (EEO) Program to ensure that the Department of Environmental Quality (DEQ) does not discriminate in employment, based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, culture, social origin or condition, or ancestry. The Department has adopted the State of Montana's EEO Policy as the basis of its program plan (see Appendix D).

II. GOALS AND OBJECTIVES

The Department's goal is to make its workforce more closely reflect the labor force in Montana. The Department will make specific good faith efforts to identify the underutilization of women and minorities, and make the necessary changes to remove any existing barriers to their employment. The Department will also work to recruit and retain qualified individuals with disabilities at all employment levels.

Underutilization may be caused by barriers to employment. Therefore, the Department's hiring officials will review their recruitment, selection, and promotion processes as well as the on-the-job treatment of employees to ensure that women and minorities receive equal opportunity to secure employment and promotion.

DEQ will focus its efforts to:

- Identify the underutilization of women and minorities.
- Recruit and retain qualified women, minorities, and disabled persons.
- Establish and maintain processes and procedures that ensure women and minorities have equal employment opportunity to secure employment and career opportunities at DEQ.

III. UNDERUTILIZATION REVIEW

Appendix A identifies and summarizes areas where DEQ has shown some underutilization of women and minorities through 2011. This information comes from the Utilization Analysis Report comparing the Department's workforce to Montana's labor force by each job group. If the Department's workforce in a particular job group is less than the Montana labor force, then the job group will be defined as underutilized. The Human Resource Office will strive to determine the cause of underutilization and take appropriate action.

Utilization or underutilization of women and minorities is documented by EEO Category (See Appendix B) and Occupation Group Code. EEO Categories include several Occupational Group Codes (sub-categories) and may show a different "net" underutilization than when individual Group utilization within them is totaled. An example of this is Category 1 showing an overall or "net" underutilization of 2 women (See Appendix A). However, there is a Group Code (113) within the Category that by itself shows underutilization of 3 women. This difference is possible because the Group Code (111-Division Administrators) within the overarching Category has a higher rate of women than Montana's labor force. The Category

overall average is improved by this despite the underutilization of 3 women in Group Code 113.

IV. ACTION PLAN

A. Recruitment and Selection

The Department's recruitment goal is to increase women and minority representation in underutilized positions by attracting qualified candidates to apply for vacancies in these positions. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a nondiscriminatory manner. Vacancy announcements for underutilized positions will include the statement:

Women (and/or) minorities are under-represented in this position and are encouraged to apply.

The Department will send vacancy announcements to Native American Recruitment sources, the Interagency Committee for Change by Women; and Disability Rehabilitation Centers across the State for all positions.

DEQ will strive to increase minority representation for underutilized Occupation Groups by evaluating the recruitment practices to encourage minorities to apply for employment at DEQ.

DEQ may partner with Montana universities in attracting students in fields of study that are related to those required for DEQ positions.

DEQ will consider employing minorities in student intern positions in order to introduce them to DEQ work and potential career opportunities while providing work experience for the student.

DEQ will continue to work with recruitment sources that have effective contact with women and minorities and persons with disabilities to improve recruitment efforts.

B. Upward Mobility

The Utilization Analysis will be reviewed annually by the Human Resource Office in an effort to ensure that qualified women and minorities are promoted at rates substantially similar to those of qualified men and non-minority employees. The Department will strive to promote and retain qualified individuals with disabilities in all levels of its workforce.

The agency will develop and implement succession planning that ensures all employees are given equal opportunity for promotion.

C. Compensation

The Human Resource Office will annually review the MT Compensation Report, the Personnel Action History Report and the Workforce Analysis (shows gender, race and ethnicity of employees) to determine if a gender, race, or ethnicity disparity

exists in employees' pay. If a disparity is identified, division administrators will be notified to take appropriate action and attempt to resolve the disparity.

DEQ Human Resource Office will ensure that all pay changes are made according to DEQ Pay Plan Rules and other relevant policies and procedures.

D. Training Programs

Supervisors and managers will be trained on the recruitment and selection process by the Human Resource Office. They will be trained on the EEO Program Action Plan to ensure commitment to its implementation. Managers will also be asked to attend other relevant training offered on an annual basis.

E. Equal Employment Opportunity Awareness

- Vacancy announcements are posted on the Department's intranet and state's online system.
- An e-mail is sent to alert employees to a new internal vacancy announcement.
- Training will be offered by DEQ Human Resource Office on topics such as Job Descriptions, Performance Management, Recruitment, How to Interview, FMLA, ADA, Non-discrimination and the agency EEO Program Action Plan.
- Career information and job mentoring will be offered.
- Mobility assignments will be offered to employees to provide an opportunity to try out various jobs at the agency.

F. Harassment and Discrimination Prevention

Any person who believes he, she, or another person has been subjected to discrimination is encouraged to report incidents or actions of harassment and/or discrimination to the Human Resource Office. A copy of this plan will be placed on the Department's external website for access by those outside the Department (The complaint resolution procedure is explained in Appendix E).

G. Utilization Annual Review

When the report is received, DEQ Human Resource Office will review the data and present it to DEQ management. Changes in effort or approach will be discussed and incorporated into this EEO Program Action Plan when agreed upon.

H. Termination

Exit interviews will be conducted by the Human Resource Office to provide the terminating employee the opportunity to discuss reasons for termination. This information will be recorded, analyzed and reported to agency management to understand areas of needed improvement by the agency in order to retain qualified employees.

The DEQ Human Resource Office will review the termination data to identify if women, minorities and employees with disabilities leave DEQ at rates substantially different from those of men, non-minority employees, and employees without disabilities.

V. DUTIES AND RESPONSIBILITIES FOR PROGRAM IMPLEMENTATION

A. Director

1. Promotes the Department's EEO Program Action Plan, and holds managers accountable for adhering to it.
2. Directs and supports DEQ's division administrators and Chief Officers in their use of the plan and documents this in annual performance evaluations.

B. Human Resource Office

1. Reviews DEQ's EEO Program Action Plan with managers and updates the same plan as necessary.
2. Implements and maintains utilization reporting and recordkeeping systems to measure the effectiveness of the EEO Program Action Plan.
3. Documents changes that have occurred in regard to goals and objectives. New data should be available each year.
4. Continues to use the DEQ Employee Profile to ensure compensation is based on an individual's qualification and experience.
5. Annually updates the EEO Program Action Plan and provides the updated report with the current year's data to Division administrators and Chief Officers along with last year's data.
6. Assists managers in identifying what may be causing underutilization (employment barriers) and recommending appropriate action.
7. Keeps management informed of the latest developments in the area of utilization of women, minorities and disabled persons.
8. Provides training opportunities for managers and supervisors in the area of Equal Employment Opportunity to ensure that managers and supervisors are informed of their responsibility of leading and managing in the area of Equal Employment Opportunity at DEQ.
9. Ensures the review of the EEO Program Action Plan by the Human Resource Specialist and hiring manager prior to beginning the recruiting/hiring process.
10. Ensures the EEO Policy Statement and Complaint Resolution Procedure is posted on official DEQ Bulletin Boards.
11. Ensures investigation and resolution of all EEO complaints.
12. Reviews the recruitment, selection and promotion processes of the agency.

C. Managers/Supervisors

1. Responsible for implementing and adhering to DEQ's EEO Program Action Plan.
2. Lead by example in the treatment of all persons in the workplace.
3. Responsible for being knowledgeable of the policies and guidance that is related to the EEO Program Action Plan.

D. All Employees

1. Carry out the DEQ Mission Statement, DEQ Guiding Principles, and DEQ Expectations of Employees (See Appendix C).
2. Inform the supervisor, the DEQ EEO Officer or the Human Resource Office of any EEO concerns.
3. Participate in DEQ's EEO Program Action Plan whenever relevant.

VI. EEO PROGRAM ACTION PLAN DISTRIBUTION

A. Internal

1. Each employee will receive a copy of this plan during new employee orientation.
2. The EEO Policy and Complaint Resolution Procedure will be reviewed at orientation and during appropriate DEQ trainings.
3. DEQ's EEO Program Action Plan will be posted on DEQ's intranet.

B. External

1. DEQ's EEO Program Action Plan will be posted on its external web page.

APPENDIX A

2010 DEQ Utilization Analysis

Summary

DEQ is doing well in the area of hiring and retaining women throughout most job Categories throughout the agency. The overall Officials and Administrators Category does show an opportunity as it is underutilized by 2 women. There is an occupational group within this Category that is underutilized by 3 women, however. The only other Category showing underutilization of women at DEQ is category 433, Accounting and Payroll Technicians at 1 woman underutilized. No other underutilization of women exists in the agency.

There is opportunity for the agency to improve on underutilization of minorities throughout the Department. Underutilization has stayed nearly the same for the past three years. Underutilization of minorities at DEQ was 18 in 2009, 17 in 2010 and was 18 again in 2011. The largest area for improvement is in the job class of environmental science specialists. DEQ had 174 individuals in this classification in 2011, of these only 2 were minorities.

Category 1 – Officials and Administrators (32 staff, includes Administrators and Program Managers)

- Women: Net Category Underutilization of 2
 - 3 in occupational group code 113 which includes:
 - Computer Information Systems Manager
 - Financial Managers
 - HR Manager
- Minorities: Net Category Underutilization of 3
 - 1 in occupational group code 111 which includes:
 - Division Administrators and Program Managers
 - 2 in occupational group code 119 which includes:
 - Construction, Engineering and Environmental Program Managers

Category 2 – Professionals (337 staff, specialists in all areas)

- Women: No Category Underutilization
- Minorities: Net Category Underutilization of 13
 - 2 in occupational group code 132 which includes:
 - Accountants
 - Budget Analysts
 - Financial Specialists
 - Financial Operations Supervisors
 - 2 in occupational group code 151 which includes:
 - Computer Supervisors
 - Web Developer
 - Computer Application Engineer
 - Computer Systems and Database Analysts
 - Network Administrators
 - Data Control Specialists
 - 10 in occupational group code 192 which includes:
 - Science Program Managers
 - Atmospheric Science Specialist
 - Environmental Science Specialists

Category 3 – Technicians (45 staff, support and technical positions)

- Women: No Category Underutilization
 - 1 in occupational group code 433 which includes:

- Accounting and Payroll Technicians
- Minorities: No Net Category Underutilization
 - 1 in occupational group code 434 which includes:
 - License Permit and HR Technicians
 - 1 in occupational group code 436 which includes:
 - Administrative Assistants

Category 6 – Office/Clerical (6 staff)

- Women: No Category Underutilization
- Minorities: No Category Underutilization

APPENDIX B

Description of EEO Categories

- 1. Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
- 2. Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.
- 3. Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.
- 4. Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.
- 5. Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aids, child support workers, policy auxiliary welfare service aids, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.
- 6. Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

APPENDIX C

DEQ Mission and Guiding Principles

MISSION STATEMENT

The mission statement for DEQ is: “to protect, sustain, and improve a clean and healthful environment to benefit present and future generations”

DEQ GUIDING PRINCIPLES

- **Upholding the constitution**
 - We will uphold, in a consistent manner, the Montana Constitution – Article IX, and all other statutes, regulations, and legal policies that are applicable to DEQ.
 - Within the bounds of these laws and regulation, DEQ will strive to make decisions that balance public and private costs and benefits for the greatest public benefit
- **Working for a clean and healthful environment**
 - We recognize that most environmental regulations and standards are intended to protect the public health by preventing serious injury or illness.
 - We recognize that the people of Montana value a quality environment and encourage everyone to share responsibility to protect its quality.
 - We will encourage innovative thinking and seek practical, long-term solutions that serve the public interest and minimize the environmental effects of proposed actions.
 - We will seek cost-effective ways to minimize impacts to the environment and will identify for decision makers and the public any legal or institutional barriers that keep them from being used.
- **Working with the public**
 - We respect the public and recognize the value it places on the environment and its interest in the work of DEQ. Therefore, we encourage public input to our analyses, decision making and all other aspects of DEQ's work. We will provide the public with our analyses and the implications of DEQ's decisions and any other information the citizens want within legal constraints. We will encourage and consider public input in our decision making processes and make open decisions that are clear, understandable, and accessible to the public.
- **Improving cooperation and coordination**
 - The various bureaus and divisions of DEQ will cooperate and coordinate among themselves and with federal, state, and local agencies, and other interested parties.
- **Reaching potential with our employees**
 - DEQ employees are an important asset. We will empower them to exercise professional judgment in carrying out their duties. We will provide them with a safe work place and the training and tools necessary to achieve DEQ's mission.
 - We encourage team efforts and use of the expertise of DEQ's employees to find solutions that meet the challenges we face.
 - We will seek a diversity of individuals and professions within DEQ.

ALL EMPLOYEES OF DEQ ARE EXPECTED TO:

- Fully support the DEQ mission statement and work within these guiding principles.
- Be service-oriented, providing helpful assistance to the public and continually seeking better ways to improve long-term customer relations.
- Be solutions-oriented.
- Utilize and contribute to team efforts and keep colleagues and affected others informed of progress and events.
- Make timely decisions and maintain objectivity in making decisions.
- Act with honesty and integrity, strive for quality, be productive and innovative, and responsible for their actions.
- Be fiscally responsible and consistently apply the State Constitution, applicable statutes, regulations and legal policies.

APPENDIX D
State of Montana, Department of Environmental Quality
Equal Employment Opportunity

It is the policy of the State of Montana that state government:

- Is an equal employment opportunity employer;
- Does not discriminate in employment based upon **race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, culture, social origin or condition, or ancestry**; and
- Implements and maintains an effective equal employment opportunity program that may include a written affirmative action plan.

Employees of the State of Montana have a right to work in an environment free from all forms of discrimination. The State of Montana's prohibition of discrimination includes discrimination in hiring, firing, promotions, compensation, job assignments, and other terms, conditions or privileges of employment. The State of Montana may not retaliate or allow, condone, or encourage others to retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, filing a discrimination complaint and/or testifying or participating in any other manner in a discrimination proceeding.

All employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and may not release the information to anyone who does not have the right or need to know.

SEXUAL HARASSMENT	DISABILITIES
<p>The State of Montana prohibits sexual harassment of employees, customers, clients and any other persons. There are two categories of sexual harassment:</p> <p>Quid pro quo: Sexual favors are sought in return for job benefits or opportunities. It includes being forced to resign (constructive discharge). Examples: Sexual advances that are unwelcome. The loss or threatened loss of a job for failing to comply with a supervisor's sexual demands. This may include situations that began as mutual attractions, but later ceased to be reciprocal. Employment benefits affected in exchange for sexual favors (may include situations where a third party is treated less favorably because others have agreed to sexual advances).</p> <p>Hostile working environment: Unwelcome sexual conduct that unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. The key words are unwelcome, unreasonable, and intimidating, hostile or offensive. Examples: Displaying sexually suggestive objects, pictures, cartoons or posters. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, or obscenities. Sexually suggestive letters, notes or invitations.</p> <p>Harassment not involving sexual activity or language is also discriminatory if it is sufficiently patterned or pervasive and directed at employees because of their sex. This is gender-based harassment.</p>	<p>The State of Montana does not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, privileges or conditions of employment due to physical or mental disability.</p> <p>The State of Montana provides reasonable accommodation to an otherwise qualified applicant or employee with a known disability that prevents the individual from participating in the application process, competing in the selection process, performing the essential functions of the job, and enjoying equal benefits and privileges of employment. An accommodation that is not effective, creates an undue hardship on a department, or endangers health or safety is not a reasonable accommodation.</p> <p>Any otherwise qualified applicant for employment or employee with a disability who needs reasonable accommodation shall inform the department personnel officer, his or her immediate supervisor or the department ADA coordinator of the nature of the disability and the accommodation requested.</p> <p>Some communicable diseases, for example, HIV/AIDS, are physical disabilities. The State of Montana does not discriminate against any applicant for employment or employee based upon communicable disease unless required to do so by the reasonable demands of the position.</p>

OTHER HARASSMENT	MATERNITY
<p>The State of Montana's policy is to provide employees with a work environment free of these forms of harassment. Harassment of employees, clients, customers, and any other persons doing business with state government because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs is prohibited.</p> <p>Examples of other prohibited harassment include, but are not limited to: Coercion of employees, clients, or customers in the participation or non-participation in religious activities; or ethnic slurs, repeated jokes, innuendoes, or other verbal or physical conduct because of a person's nationality, race, color, age, physical or mental disability, marital status, religion, creed, sexual orientation or political beliefs if these actions create an intimidating, hostile or offensive working environment.</p>	<p>The State of Montana may not discriminate against any applicant or employee in hiring, firing, promotions, compensation, job assignments and other terms, conditions or privileges of employment based upon a temporary disability resulting from pregnancy, childbirth, or related medical conditions.</p> <p>The State of Montana may not terminate any employee due to pregnancy or childbirth. The State of Montana shall grant a request by an employee for a reasonable leave of absence for pregnancy, childbirth or related medical conditions. The State of Montana recognizes six (6) calendar weeks as a reasonable period of recovery from the temporary disability due to childbirth.</p>
EQUAL PAY	RELIGION
<p>The State of Montana may not pay unequal compensation to men and women who perform jobs that require substantially equivalent skill, effort, and responsibility that are performed under similar working conditions. Wage differentials are permitted on factors other than sex, for example, longevity, merit, and applicant or employee qualifications.</p>	<p>The State of Montana shall make reasonable accommodation for religious beliefs or practices. Any otherwise qualified applicant for employment or employee who requires reasonable accommodation may inform his or her immediate supervisor or the department EEO officer of the need for a religious accommodation. An accommodation that creates an undue hardship on a department is not a reasonable accommodation.</p>

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APPENDIX E
State of Montana, Department of Environmental Quality
Nondiscrimination-Equal Employment Opportunity
Complaint Resolution Procedure

The State of Montana is an equal employment opportunity employer and prohibits discrimination based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation or political beliefs unless based on a bona fide occupational qualification (BFOQ). The State also prohibits discrimination in providing services, activities and programs unless providing a reasonable accommodation or reasonable modification would cause an undue hardship.

The State of Montana is committed to resolving complaints of discrimination in a fair and timely manner. The complaint resolution procedure is a dispute resolution process used when an applicant, client, customer or employee alleges that discrimination has taken place. Management must investigate when reports are received. Complaints concerning disability discrimination are submitted to the Human Resource Manager. All other complaints are submitted to the agency Equal Employment Opportunity (EEO) Officer. This complaint resolution procedure may not cover members of a collective bargaining unit unless it is stipulated in the bargaining agreement.

Complainant's Responsibility:

Any applicant, client, customer, or employee who believes he or she or another person has been subjected to a discrimination of the equal employment opportunity policy is encouraged to report the incident(s) or action(s) to management as soon as possible after the alleged discrimination occurs. Early reporting is encouraged, because management's ability to investigate and act on reports diminishes with time.

Management's Responsibility:

1. Any supervisor who receives a report of an alleged discrimination shall immediately notify the agency Human Resource Office.
2. Upon receipt of a report alleging discrimination, including sexual harassment, the agency shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The agency will determine the steps to be taken by balancing the rights of the alleged victim, including the severity of the alleged conduct, and the rights of the alleged harasser.
3. The Human Resource Office shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than 10 working days after receiving notice of the alleged discrimination. The investigation shall include verification of the report, a recommended course of action, and written documentation of the investigation. The investigator shall submit the results of the investigation to the Human Resource Manager. The factual report shall remain confidential and may not be disseminated except to persons having a need or right to know which outweighs the privacy rights of the persons involved.
4. Within 5 working days of receiving the investigator's factual report, the agency will, in writing, inform the complainant, any employees directly involved, their immediate supervisors and the Human Resource Manager of the results of the investigation and the agency's decision.
5. If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the agency will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, the agency will take appropriate action, including, but not limited to, disciplinary measures pursuant to the agency's disciplinary policy, which may include termination. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action.
6. Neither the agency management nor any employee will retaliate against any employee for filing a discrimination complaint or for participating in any way in a complaint procedure.

OTHER COMPLAINT FILING OPTION (1) An applicant, client, customer, or employee may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807.) The complaint must be filed either:

- a. within 180 days of the alleged incident; or
- b. if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.

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